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10/748,046	12/30/2003	Douglas Michael Saus	CRNL110414	6778
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,046

Applicant(s)

SAUS ET AL.

Examiner

JOSEPH BURGESS

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17, 19-46, 48-55, 57-70, and 73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19-46, 48-55, 57-70, and 73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to an amendment filed on 09/02/2009. Claims 1, 2, 14-17, 21, 22, 25-29, 31, 33-35, 38, 42-44, 48, 49, 51, 52, 57-70, and 73 have been amended. Claims 9, 18, 47, 56, 71, and 72 have been cancelled. Claims 31-33 have been added. Therefore, claims 1-8, 10-17, 19-46, 48-55, 57-70, and 73 are currently pending and have been examined.

Response to Amendments

2. Applicant's amendments to claims are herein acknowledged. Applicant's amendments to claims 1, 17, 29, 35, 48, 57, and 73 are sufficient to overcome the 35 USC § 112, second paragraph rejections set forth in the previous office action. Applicant's amendments to claims 1, 17, 29, 35, 48, 57, and 73 are sufficient to overcome the 35 USC § 101 rejections set forth in the previous office action. In response to the amendment to claims 1, 2, 14-17, 21, 22, 25-29, 31, 33-35, 38, 42-44, 48, 49, 51, 52, 57-70, and 73, the Examiner has entered a rejection under § 103, where the Examiner has applied art already of record as well as new art.

Claim Objections

3. Claims 1, 15, 41, 61, and 64 are objected to because of the following informalities: Claim 1 recites "know" in line 17 when it appears the word should be "known" and recites "is" in the last line when it appears this should have been excluded. Claim 15 recites "weather" when it appears the word "whether" was meant to be used. Claims 41 and 64 recite "a oncologic" when it should be "an oncologic". Claim 61 recites "the.medical" when it appears the period is in the wrong place. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8, 10-17, 19-46, 48-55, 57-70, and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 1, 17, 29, 57, and 73 recite "when a match is determined to exist" and "upon determining a match exists". It is unclear what would happen if a match was not determined. All claims dependent from these claims are rejected for the same reasons.
7. Claims 17, 29, 35, 48, 57, and 73 recite "determining whether at least one match exists" or similar language. It is unclear what would happen if a match was not determined. All claims dependent from these claims are rejected for the same reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8, 10-16, 25, 37, 59, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman, et al. (US 2004/0098286 A1) in view of Haq (US 2002/0095313 A1) in further view of Strum, et al. (US 5,842,173 A).

10. Claim 1:

Zimmerman, as shown, discloses the following limitations:

- *utilizing the medical procedure associated with the selected person to interact with one or more pre-built medication-procedure tables (see at least figure 2A and paragraphs 0034-0035);*
- *based on the interaction, accessing a list of possible medications and dosages thereof, that are to be administered to the person for the medical procedure (see at least figure 2A and paragraphs 0034-0035);*
- *employing a control server to compare the medication list to information in the person's electronic medical record (EMR) (see at least figure 2A and paragraphs 0040-0044),*
- *determining whether at least one match exists between any of the medications included in the list and the EMR information, wherein the match indicates the potential of an atypical clinical event occurring upon the associated medication being administered to the person (see at least figure 2A and paragraphs 0040-0044);*
- *when a match is determined to exist, outputting a response relating to each match, respectively (see at least figure 2A and paragraph 0044),*

Zimmerman does not explicitly disclose the following limitations, but Haq as shown does:

- *wherein the EMR maintains dosage amounts of the medications the person is taking, foods the person is consuming, and allergies to medications the person is known to have (see at least paragraph 0100);*
- *wherein the response indicates a specific medication involved in the match, a category of the specific medication, a type of match, and a severity of an associated atypical clinical event, and wherein the type of match comprises at least one of drug-drug, drug-allergy, or drug-food (see at least paragraphs 0100 and 0112).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic

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medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

The combination of Zimmerman/Haq does not explicitly disclose the following limitation, but Strum as shown does:

- *receiving a selection of the person from a list of patients displayed at a user interface window, wherein the list of patients is extracted from patient-procedure entries stored in a unified healthcare network, and wherein the patient-procedure entries associate the person with a medical procedure* (see at least figures 3, 10, and 11);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the surgical services management system of Strum because it helps, "...improve time management and operational efficiency of key health care professionals...involved in the delivery of surgical services..." (Strum, column 3, lines 30-32).

11. Claim 2:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the step of accessing a list of possible medications comprises accessing a list of possible medications that may be administered to a specific person scheduled to undergo a specific type of medical procedure* (see at least figure 2A and paragraphs 0034-0035), and *wherein the step of employing a control server to compare the medication list comprises comparing the medication list to information in the specific person's EMR* (see at least figure 2A and paragraphs 0040-0044).

12. Claim 3:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the step of accessing a list of possible medications comprises accessing a list of possible medications that may be administered to any person scheduled to undergo a specific type of medical procedure* (see at least figure 2A and paragraphs 0034-0035), *receiving at least one of the medications from the list of medications* (see at least paragraphs 0045-0047).

Additionally, Strum discloses the limitation of *selecting a person to undergo the medical procedure* (see at least figures 3, 10, and 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the surgical services management system of Strum because it helps, "...improve time management and operational efficiency of key health care professionals...involved in the delivery of surgical services..." (Strum, column 3, lines 30-32).

13. Claim 4:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the atypical clinical event is one selected from the group consisting of a drug-drug interaction, drug-food interaction, a drug-allergy interaction, and a drug-gene interaction* (see at least paragraph 0100). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

14. Claim 5:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the medical procedure includes any medical procedure requiring the use of anesthesia* (see at least paragraph 0042).

15. Claim 6:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the list of possible medications includes medications used in a medical procedure involving anesthesia* (see at least paragraphs 0034-0035, 0042).

16. Claim 7:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the list of possible medications includes medications used in a radiologic medical procedure* (see at least paragraph 0101, i.e. drug interaction is checked for drugs used in radiology tests). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

17. Claim 8:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. The combination of Zimmerman/Haq/Strum does not explicitly disclose the limitation of *the list of possible medications includes medications used in a oncologic medical procedure*. However, the Examiner notes that the limitation is drawn to non-functional descriptive material and is not functionally involved with the method. The recited method steps would perform the

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same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004). See also MPEP 2106.

18. Claim 10:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the response includes a listing of the match and the associated atypical clinical event* (see at least paragraphs 0100 and 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

19. Claim 11:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the list of possible medications includes a dosage amount for each medication in the list* (see at least paragraphs 0014 and 0099), *and wherein the response further includes an indication of the predicted severity of the atypical clinical event* (see at least paragraph 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

20. Claim 12:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *displaying information about at least one medication of the list of possible medications that is involved in the match upon selection of the medication at the response* (see at least paragraphs 0100 and 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

21. Claim 13:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the list of possible medications is received over a communication network from a remote computing device* (see at least figure 1 and paragraphs 0023, 0026-0028).

22. Claim 14:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *accessing the person's EMR prior to comparing the medication list to information in the person's EMR* (see at least paragraph 0100). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

Additionally, Strum discloses the limitation of *selecting the person from the list of patients scheduled for a medical procedure* (see at least figures 3, 10, and 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the surgical services management system of Strum because it helps, "...improve time management and operational efficiency of key health care professionals...involved in the delivery of surgical services..." (Strum, column 3, lines 30-32).

23. Claim 15:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Haq, as shown, discloses the following limitations:

- *querying a data structure containing information selected from one of the groups consisting of drug-drug interactions and drug-food interactions* (see at least paragraph 100);
- *determining whether at least one match correlates with one of the drug-drug interactions and drug-food interactions* (see at least paragraph 100).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

24. Claim 16:

The combination of Zimmerman/Haq/Strum discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *retrieving the person's (EMR) prior to comparing the medication list to information in the person's record (EMR)* (see at least paragraphs 0040-0044).

25. Claim 25:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *accessing the person's EMR prior to comparing the medication list to information in the person's EMR* (see at least paragraphs 0040-0044).

The combination of Zimmerman/Haq does not explicitly disclose the limitation of *selecting the person from a list of person's scheduled for a medical procedure*. However, in at least figures 3, 10, and 11, Strum discloses selecting a patient from a list of patients scheduled for a medical procedure. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the surgical services management system of Strum because it helps, "...improve time management and operational efficiency of key health care professionals...involved in the delivery of surgical services..." (Strum, column 3, lines 30-32).

26. Claim 37:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the receiving component receives a list of possible medications that may be administered to any person scheduled to undergo a specific type of medical procedure* (see at least paragraphs 0034-0035)

The combination of Zimmerman/Haq does not explicitly disclose the limitation of *a selecting component for selecting a person to undergo the medical procedure*. However, in at least figures 3, 10, and 11, Strum discloses selecting a patient from a list of patients scheduled for a medical procedure. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the surgical services management system of Strum because it helps, "...improve time management

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and operational efficiency of key health care professionals...involved in the delivery of surgical services..." (Strum, column 3, lines 30-32).

27. Claim 59:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *receiving a list of possible medications comprises receiving a list of possible medications that may be administered to any person scheduled to undergo a specific type of medical procedure* (see at least figure 2A and paragraphs 0034-0035), *receive at least one of the medications from the list of medications* (see at least paragraphs 0045-0047).

The combination of Zimmerman/Haq does not explicitly disclose the limitation of *selecting a person to undergo the medical procedure*. However, in at least figures 3, 10, and 11, Strum discloses selecting a patient from a list of patients scheduled for a medical procedure. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the surgical services management system of Strum because it helps, "...improve time management and operational efficiency of key health care professionals...involved in the delivery of surgical services..." (Strum, column 3, lines 30-32).

28. Claim 70:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *accessing the person's EMR prior to comparing the medication list to information in the person's EMR* (see at least paragraph 0100). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison

method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

The combination of Zimmerman/Haq does not explicitly disclose the limitation of *selecting the person from the list of patients scheduled for a medical procedure*. However, in at least figures 3, 10, and 11, Strum discloses selecting a patient from a list of patients scheduled for a medical procedure. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the surgical services management system of Strum because it helps, "...improve time management and operational efficiency of key health care professionals...involved in the delivery of surgical services..." (Strum, column 3, lines 30-32).

29. Claims 17, 19-24, 26, 27, 29, 31-36, 38-44, 46, 48-53, 55, 57, 58, 60-69, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman, et al. (US 2004/0098286 A1) in view of Haq (US 2002/0095313 A1)

30. **Claim 17:**

Zimmerman, as shown, discloses the following limitations:

- *accessing a pre-defined list of possible medications that are to be administered to the person for a medical procedure* (see at least figure 2A and paragraphs 0034-0035);
- *employing a control server to compare comparing the medication list to information in the person's electronic medical record (EMR)* (see at least figure 2A and paragraphs 0040-0044);
- *determining whether at least one match exists between any of the medications included in the list and the EMR information* (see at least figure 2A and paragraphs 0040-0044),
- *employing the control server to compare the medication list to the information in the person's electronic medical record (EMR) upon being passed through an association table* (see at least figure 2A and paragraphs 0038, 0040-0044),

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- *determining whether at least one match exists between any of the medications included in the list and the EMR information passed through the association table (see at least figure 2A and paragraphs 0040-0044),*
- *when a match is determined to exist, outputting a response relating to each match (see at least figure 2A and paragraph 0044).*

Zimmerman does not explicitly disclose the following limitations, but Haq as shown does:

- *wherein the match indicates the potential of drug-allergy reactions occurring upon the associated medication being administered to the person (see at least paragraphs 0096-0101);*
- *wherein the association table includes information regarding adverse affects caused by medications interacting with each other and caused by a medication and a food interacting with each other (see at least paragraphs 0096-0101);*
- *wherein the match indicates the potential of drug-drug or food-drug reactions occurring upon the associated medication being administered to the person (see at least paragraphs 0096-0101);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

31. Claim 19:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the medical procedure includes any medical procedure requiring the use of anesthesia* (see at least paragraph 0042).

32. Claim 20:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the list of possible medications includes medications used in a medical procedure involving anesthesia* (see at least paragraphs 0034-0035, 0042).

33. Claim 21:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the information in the person's EMR includes a list selected from one of the groups consisting of medications the person is currently taking or has recently taken, foods the person has consumed, the person's allergies to medications and genetic test information for the person* (see at least paragraph 100). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

34. Claim 22:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the response includes a listing of the match and an associated atypical clinical event, and wherein the atypical clinical event is one selected from the group consisting of a drug-drug interaction, drug-food interaction, drug-allergy interaction and a drug-gene interaction* (see at least paragraphs 0096-0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

35. Claim 23:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the list of possible medications includes a dosage amount for each medication in the list* (see at least paragraphs 0014 and 0099), *and wherein the response further includes an indication of the predicted severity of the atypical clinical event* (see at least paragraph 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

36. Claim 24:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *displaying information about at least one medication of the list of possible medications that is involved in the match upon selection of the medication at the response* (see at least paragraphs 0100 and 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

37. Claim 26:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq, as shown, discloses the following limitations:

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- *querying the associated table containing information selected from one of the groups consisting of drug-drug interactions and drug-food interactions* (see at least paragraphs 0096-0101);
- *determining whether at least one match correlates with one of the drug-drug interactions and drug-food interactions* (see at least paragraphs 0096-0101).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

38. Claim 27:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *retrieving a specific person's EMR prior to comparing the medication list to information in the person's EMR* (see at least paragraphs 0040-0044).

39. Claim 29:

Zimmerman, as shown, discloses the following limitations:

- *accessing a pre-defined list of possible medications that are to be administered* (see at least figure 2A and paragraphs 0034-0035);
- *employing a control server to compare the medication list to information in the person's electronic medical record (EMR)* (see at least figure 2A and paragraphs 0040-0044);
- *determining whether at least one match exists between any of the medications included in the list and the EMR information* (see at least figure 2A and paragraphs 0040-0044).

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- *employing the control server to compare the medication list to the information in the person's electronic medical record (EMR) upon being passed through an association table (see at least figure 2A and paragraphs 0038, 0040-0044),*
- *determining whether at least one match exists between any of the medications included in the list and the EMR information passed through the association table (see at least figure 2A and paragraphs 0040-0044),*
- *when a match is determined to exist, outputting a response relating to each match (see at least figure 2A and paragraph 0044).*

Zimmerman does not explicitly disclose the following limitations, but Haq as shown does:

- *wherein the match indicates the potential of drug-allergy reactions occurring upon the associated medication being administered to the person (see at least paragraphs 0096-0101);*
- *wherein the association table includes information regarding adverse affects caused by medications interacting with each other and caused by a medication and a food interacting with each other (see at least paragraphs 0096-0101);*
- *wherein the match indicates the potential of drug-drug or food-drug reactions occurring upon the associated medication being administered to the person (see at least paragraphs 0096-0101);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

40. Claim 31:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *based on the determinations, selecting an atypical*

clinical event from the group consisting of a drug-drug interaction, drug-food interaction, a drug-allergy interaction, and a drug-gene interaction (see at least paragraphs 0096-0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

41. Claim 32:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the medical procedure includes any medical procedure requiring the use of anesthesia* (see at least paragraph 0042).

Additionally, Haq discloses the limitation of *the at least one medication is to be administered to the person prior to or during a medical procedure* (see at least paragraph 0101, i.e. drug has been administered to patient prior to x-ray procedure). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

42. Claim 33:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the information in the person's EMR includes a list selected from one of the groups consisting of medications the person is currently taking or has recently taken, foods the person has consumed, the person's allergies to medications and genetic test information for the person* (see at least paragraph 100). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross

checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

43. Claim 34:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the response includes a listing of the match and the associated atypical clinical event* (see at least paragraphs 0096-0101, 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

44. Claim 35:

Zimmerman, as shown, discloses the following limitations:

- *a receiving component that receives a list of possible medications that are administered for a medical procedure* (see at least figure 2A and paragraphs 0034-0035);
- *a comparing component for comparing the medication list to information in a person's electronic medical record (EMR)* (see at least figure 2A and paragraphs 0040-0044);
- *a determining component that determines whether a match exists between any of the medications included in the list and the EMR information* (see at least figure 2A and paragraphs 0040-0044),
- *the comparing component further configured to compare the medication list to the information in the person's electronic medical record (EMR) upon being passed through an association table* (see at least figure 2A and paragraphs 0038, 0040-0044),

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- *the determining component being further configured to determine whether at least one match exists between any of the medications included in the list and the EMR information passed through the association table* (see at least figure 2A and paragraphs 0040-0044),
- *an outputting component that outputs a response relating to each match* (see at least figure 2A and paragraph 0044).

Zimmerman does not explicitly disclose the following limitations, but Haq as shown does:

- *wherein the match indicates the potential of drug-allergy reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);
- *wherein the association table includes information regarding adverse affects caused by medications interacting with each other and caused by a medication and a food interacting with each other* (see at least paragraphs 0096-0101);
- *wherein the match indicates the potential of drug-drug or food-drug reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

45. Claim 36:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the receiving component receives a list of possible medications that may be administered to a specific person scheduled to undergo a specific type of medical procedure, and wherein the comparing component compares the*

medication list to information in the specific person's medical record (see at least figure 2A and paragraphs 0034-0035, 0040-0044).

46. Claim 38:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *determining component is further configured to select an atypical clinical event from the group consisting of a drug-drug interaction, drug-food interaction, drug-allergy interaction and a drug-gene interaction* (see at least paragraphs 0096-0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

47. Claim 39:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the list of possible medications received includes medications used in a medical procedure involving anesthesia* (see at least paragraphs 0034-0035, 0042).

48. Claim 40:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the list of possible medications received includes medications used in a radiologic medical procedure* (see at least paragraph 0101, i.e. drug interaction is checked for drugs used in radiology tests). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq

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because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

49. Claim 41:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. The combination of Zimmerman/Haq does not explicitly disclose the limitation of *the list of possible medications received includes medications used in a oncologic medical procedure*. However, the Examiner notes that the limitation is drawn to non-functional descriptive material and is not functionally involved with the system. The recited system would perform the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004). See also MPEP 2106.

50. Claim 42:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *a retrieving component that retrieves a specific person's EMR from a unified healthcare system, and wherein information in the EMR includes a list selected from one of the groups consisting of medications the person is currently taking or has recently taken, foods the person has consumed the person's allergies to medications and genetic test information for the person* (see at least paragraphs 0096-0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

51. Claim 43:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the outputting component includes a display component that displays the outputted response as a listing of at least one of the matches and the associated atypical clinical event* (see at least paragraph 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

52. Claim 44:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the list of possible medications includes a dosage amount for each medication in the list* (see at least paragraphs 0014 and 0099), and *wherein the response further includes an indication of the predicted severity of the atypical clinical event* (see at least paragraph 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

53. Claim 46:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the receiving component receives the list of possible medications to be administered over a communication network from a remote computing device* (see at least figure 1 and paragraphs 0023, 0026-0028).

54. Claim 48:

Zimmerman, as shown, discloses the following limitations:

- *an accessing component that accesses a pre-defined list of possible medications that are administered for a medical procedure* (see at least figure 2A and paragraphs 0034-0035);
- *a comparing component for comparing the medication list to information in a person's electronic medical record (EMR)* (see at least figure 2A and paragraphs 0040-0044);
- *a determining component that determines whether a match exists between any of the medications included in the list and the EMR information* (see at least figure 2A and paragraphs 0040-0044),
- *the comparing component further configured to compare the medication list to the information in the person's electronic medical record (EMR) upon being passed through an association table* (see at least figure 2A and paragraphs 0038, 0040-0044),
- *the determining component being further configured to determine whether at least one match exists between any of the medications included in the list and the EMR information passed through the association table* (see at least figure 2A and paragraphs 0040-0044),
- *an outputting component that outputs a response relating to each match* (see at least figure 2A and paragraph 0044).

Zimmerman does not explicitly disclose the following limitations, but Haq as shown does:

- *wherein the match indicates the potential of drug-allergy reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);
- *wherein the association table includes information regarding adverse affects caused by medications interacting with each other and caused by a medication and a food interacting with each other* (see at least paragraphs 0096-0101);
- *wherein the match indicates the potential of drug-drug or food-drug reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

55. Claim 49:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *determining component is further configured to select an atypical clinical event from the group consisting of a drug-drug interaction, drug-food interaction, drug-allergy interaction and a drug-gene interaction* (see at least paragraphs 0096-0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

56. Claim 50:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the list of possible medications received includes medications used in a medical procedure involving anesthesia* (see at least paragraphs 0034-0035, 0042).

57. Claim 51:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *a retrieving component that retrieves a specific person's EMR from a unified healthcare system, and wherein information in the EMR includes a*

list selected from one of the groups consisting of medications the person is currently taking or has recently taken, foods the person has consumed the person's allergies to medications and genetic test information for the person (see at least paragraphs 0096-0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

58. Claim 52:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the outputting component includes a display component that displays the outputted response as a listing of at least one of the matches and the associated atypical clinical event* (see at least paragraph 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

59. Claim 53:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the list of possible medications includes a dosage amount for each medication in the list* (see at least paragraphs 0014 and 0099), *and wherein the response further includes an indication of the predicted severity of the atypical clinical event* (see at least paragraph 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community

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physician function like an expert at all times, day or night without fatigue and human error..."
(Haq, paragraph 0009).

60. Claim 55:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the receiving component receives the list of possible medications to be administered over a communication network from a remote computing device* (see at least figure 1 and paragraphs 0023, 0026-0028).

61. Claim 57:

Zimmerman, as shown, discloses the following limitations:

- *receiving a list of possible medications that are to be administered for a medical procedure* (see at least figure 2A and paragraphs 0034-0035);
- *comparing the medication list to information in the person's electronic medical record (EMR)* (see at least figure 2A and paragraphs 0040-0044);
- *determining whether at least one match exists between any of the medications included in the list and the (EMR) information* (see at least figure 2A and paragraphs 0040-0044),
- *comparing the medication list to the information in the person's electronic medical record (EMR) upon being passed through an association table* (see at least figure 2A and paragraphs 0038, 0040-0044),
- *determining whether at least one match exists between any of the medications included in the list and the EMR information passed through the association table* (see at least figure 2A and paragraphs 0040-0044),
- *upon determining a match exists, outputting a response relating to each match* (see at least figure 2A and paragraph 0044).

Zimmerman does not explicitly disclose the following limitations, but Haq as shown does:

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- *wherein the match indicates the potential of drug-allergy reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);
- *wherein the association table includes information regarding adverse affects caused by medications interacting with each other and caused by a medication and a food interacting with each other* (see at least paragraphs 0096-0101);
- *wherein the match indicates the potential of drug-drug or food-drug reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

62. Claim 58:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *receiving a list of possible medications comprises receiving a list of possible medications that may be administered to a specific person scheduled to undergo a specific type of medical procedure, and wherein comparing the medication list comprises comparing the medication list to information in the specific person's EMR* (see at least figure 2A and paragraphs 0034-0035, 0040-0044).

63. Claim 60:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *selecting an atypical clinical event from the group consisting of a drug-drug interaction, drug-food interaction, a drug-allergy interaction, and a drug-*

gene interaction (see at least paragraph 0100). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

64. Claim 61:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the medical procedure includes any medical procedure requiring the use of anesthesia* (see at least paragraph 0042).

65. Claim 62:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the list of possible medications includes medications used in a medical procedure involving anesthesia* (see at least paragraphs 0034-0035, 0042).

66. Claim 63:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *list of possible medications includes medications used in a radiologic medical procedure* (see at least paragraph 0101, i.e. drug interaction is checked for drugs used in radiology tests). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

67. Claim 64:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. The combination of Zimmerman/Haq does not explicitly disclose the limitation of *the list of possible medications includes medications used in a oncologic medical procedure*. However, the Examiner notes that the limitation is drawn to non-functional descriptive material and is not functionally involved with the method. The recited method steps would perform the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004). See also MPEP 2106.

68. Claim 65:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the information in the person's EMR includes a list selected from one of the groups consisting of medications the person is currently taking or has recently taken, foods the person has consumed, the person's allergies to medications and genetic test information for the person* (see at least paragraph 100). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

69. Claim 66:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the response includes a listing of the match and the associated atypical clinical event* (see at least paragraphs 0100 and 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical

procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

70. Claim 67:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *the list of possible medications includes a dosage amount for each medication in the list* (see at least paragraphs 0014 and 0099), *and wherein the response further includes an indication of the predicted severity of the atypical clinical event* (see at least paragraph 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

71. Claim 68:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Haq discloses the limitation of *displaying information about at least one medication of the list of possible medications that is involved in the match upon selection of the medication at the response* (see at least paragraphs 0100 and 0112). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

72. Claim 69:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the list of possible medications is received over a communication network from a remote computing device* (see at least figure 1 and paragraphs 0023, 0026-0028).

73. Claim 73:

Zimmerman, as shown, discloses the following limitations:

- *accessing a pre-defined list of possible medications that are administered for a medical procedure* (see at least figure 2A and paragraphs 0034-0035);
- *comparing the medication list to information in the person's electronic medical record (EMR)* (see at least figure 2A and paragraphs 0040-0044);
- *determining whether at least one match exists between any of the medications included in the list and the (EMR) information* (see at least figure 2A and paragraphs 0040-0044),
- *comparing the medication list to the information in the person's electronic medical record (EMR) upon being passed through an association table* (see at least figure 2A and paragraphs 0038, 0040-0044),
- *determining whether at least one match exists between any of the medications included in the list and the EMR information passed through the association table* (see at least figure 2A and paragraphs 0040-0044),
- *upon determining a match exists, outputting a response relating to each match* (see at least figure 2A and paragraph 0044).

Zimmerman does not explicitly disclose the following limitations, but Haq as shown does:

- *wherein the match indicates the potential of drug-allergy reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);

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- *wherein the association table includes information regarding adverse affects caused by medications interacting with each other and caused by a medication and a food interacting with each other* (see at least paragraphs 0096-0101);
- *wherein the match indicates the potential of drug-drug or food-drug reactions occurring upon the associated medication being administered to the person* (see at least paragraphs 0096-0101);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the electronic medication comparison method of Haq because it makes, "...an average community physician function like an expert at all times, day or night without fatigue and human error..." (Haq, paragraph 0009).

74. Claims 28, 30, 45, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman, et al. (US 2004/0098286 A1) in view of Haq (US 2002/0095313 A1) in further view of Schrier, et al. (US 6,317,719 B1)

75. **Claim 28:**

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. The combination of Zimmerman/Haq does not explicitly disclose the limitation of *modifying the medication list by adding or deleting medications from the list prior to comparing the medication list to information in the person's EMR*. However, in at least column 7, line 57 – column 8, line 3, Schrier discloses the user can add or delete drugs from list and after this is done system searches for drug interactions. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the patient drug interaction verification technique of Schrier because it is, "...capable of providing the clinician with ready and convenient access to current, pertinent, and patient specific drug information and dosing recommendations..." (Schrier, column 1, lines 51-54).

76. Claim 30:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. Furthermore, Zimmerman discloses the limitation of *the at least one medication is to be administered to the person prior to or during a medical procedure* (see at least paragraphs 0045-0047).

The combination of Zimmerman/Haq does not explicitly disclose the limitation of *the medication list includes a universal set of medications that may be administered regardless of the type of medical procedure*. However, in at least column 5, line 53 – column 6, line 3 and figure 3, Schrier discloses the user accesses a universal list of drugs in Choose A Drug window. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the patient drug interaction verification technique of Schrier because it is, "...capable of providing the clinician with ready and convenient access to current, pertinent, and patient specific drug information and dosing recommendations..." (Schrier, column 1, lines 51-54).

77. Claim 45:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. The combination of Zimmerman/Haq does not explicitly disclose the limitation of *a selecting component for selecting a medication of the list of possible medications that is involved in the match, and wherein the display component displays information about the selected medication*. However, in at least column 5, line 53 – column 6, line 3 and figure 3, Schrier discloses the user accesses a universal list of drugs in Choose A Drug window and in at least column 9, lines 38-46 and figure 6, discloses pharmacologic and pharmacokinetic information on a selected drug is displayed. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the

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patient drug interaction verification technique of Schrier because it is, "...capable of providing the clinician with ready and convenient access to current, pertinent, and patient specific drug information and dosing recommendations..." (Schrier, column 1, lines 51-54).

78. Claim 54:

The combination of Zimmerman/Haq discloses the limitations as shown in the rejections above. The combination of Zimmerman/Haq does not explicitly disclose the limitation of *a selecting component for selecting a medication of the list of possible medications that is involved in the match, and wherein the display component displays information about the selected medication*. However, in at least column 5, line 53 – column 6, line 3 and figure 3, Schrier discloses the user accesses a universal list of drugs in Choose A Drug window and in at least column 9, lines 38-46 and figure 6, discloses pharmacologic and pharmacokinetic information on a selected drug is displayed. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the medical procedure cross checking system of Zimmerman with the patient drug interaction verification technique of Schrier because it is, "...capable of providing the clinician with ready and convenient access to current, pertinent, and patient specific drug information and dosing recommendations..." (Schrier, column 1, lines 51-54).

Response to Arguments

- 79.** Applicant's arguments regarding the 35 USC § 103 rejections set forth in the previous office action have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **JOSEPH BURGESS** whose telephone number is **(571)270-5547**. The Examiner can normally be reached on Monday-Friday, 9:00am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **CHRISTOPHER GILLIGAN** can be reached at **(571)272-6770**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **(866)217-9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

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or faxed to **571-273-8300**. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

**Randolph Building
401 Dulany Street
Alexandria, VA 22314.**

JOSEPH BURGESS

12/4/2009

Examiner

Art Unit 3626

/Robert Morgan/

Primary Examiner, Art Unit 3626